

**POST & SCHELL, P.C.**  
BY: DAVID E. FAUST  
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DEBORAH ORRINO  
  
Plaintiff,  
  
v.  
  
NATIONAL RAILROAD PASSENGER  
CORPORATION t/a AMTRAK  
  
Defendant.

ATTORNEYS FOR DEFENDANT  
NATIONAL RAILROAD PASSENGER  
CORPORATION t/a AMTRAK

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

NO: 02-CV-4064

**ANSWER TO PLAINTIFF'S COMPLAINT**

**FIRST DEFENSE**

1. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.
2. Admitted.
3. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.
4. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

5. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

6. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

7. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

8. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

9. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

10. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

11. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

12. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

13. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

14. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

15. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

16. Denied.

17. Denied.

18. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

19. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

20. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

21. Denied. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of the corresponding paragraph of the complaint, and strict proof thereof is demanded at trial, if deemed material.

WHEREFORE, defendant, National Railroad Passenger Corporation t/a Amtrak, denies liability and demands judgment in its favor.

**SECOND DEFENSE**

Plaintiff was contributorily negligent, and any injuries sustained by her were the result of her own negligence.

**THIRD DEFENSE**

Plaintiff assumed the risk of injury and any injuries sustained by her were the result of her assumption of the risk.

**FOURTH DEFENSE**

Any injuries sustained by plaintiff were caused in whole or in part by persons or entities other than the defendant, and over whom the defendant had no control, and for whose actions defendant is not liable.

**FIFTH DEFENSE**

Plaintiff's complaint fails to state a claim upon which relief can be granted.

**SIXTH DEFENSE**

Plaintiff has failed to mitigate her damages.

**SEVENTH DEFENSE**

Pennsylvania Rule of Civil Procedure 238 regarding delay damages is unconstitutional.

WHEREFORE, defendant, National Railroad Passenger Corporation t/a Amtrak, denies

liability and demands judgment in its favor.

POST & SCHELL, P.C.

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DAVID E. FAUST, ESQUIRE  
Attorney for Defendant